

REMARKS

This responds to the Office Action dated December 1, 2006. Claim 40 is amended. No claims are cancelled or added. As a result, claims 33-54 remain pending in this patent application.

Objection to the Claims

Claim 40 was objected to due to an informality. Applicant has amended claim 40 to overcome this objection, and not in response to any prior art rejection. Applicant respectfully submits that this amendment is non-narrowing. Applicant respectfully requests withdrawal of this objection to claim 40.

Double Patenting Rejection

Claims 43-51 and 43-49 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 10-13, 17, 26, 27, 31 and 32 of U.S. Patent No. 6,678,547 and over claim 7 of U.S. Patent No. 7,062,314. Accordingly, Applicant is submitting herewith a terminal disclaimer of each of U.S. Patent No. 6,678,547 and U.S. Patent No. 7,062,314 to obviate this rejection. Applicant respectfully requests entry of the terminal disclaimer only after all of the claims have otherwise been found allowable, and Applicant reserves the right to withdraw such terminal disclaimer if all claims are not otherwise found to be allowable. In sum, Applicant respectfully requests withdrawal of this rejection of these claims.

Allowable Subject Matter

Applicant gratefully acknowledges the allowance of claims 33-39 and 41-42.

Claims 52-54 were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Nonetheless, in view of the terminal disclaimer and present amendments, Applicant respectfully submits that such claims are allowable in their present form. Accordingly, Applicant respectfully requests allowance of claims 52-54.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6951 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

GERRARD M. CARLSON ET AL.

By their Representatives,

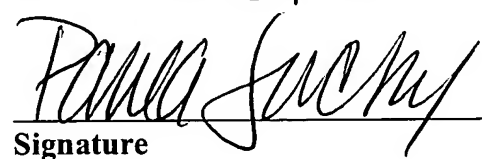
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Date December 29, 2006

By 
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 29 day of December, 2006


Name


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